

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE NUVARING PRODUCTS) 4:08MD1964 RWS
LIABILITY LITIGATION)
) ALL CASES

MEMORANDUM AND ORDER

Defendants have filed a motion for supplemental expert discovery. The impetus for this motion is the release of several reports and publications of epidemiological studies relating specifically to NuvaRing since the parties completed expert discovery in this matter. These studies include: the "Transatlantic Active Surveillance on Cardiovascular Safety of NuvaRing" study (TASC); the "Venous thrombosis in users of non-oral hormonal contraception; follow-up study, Denmark 2001-10" conducted by Dr. Lidegaard; and an FDA-sponsored study entitled "Combined Hormonal Contraceptives and the Risk of Cardiovascular Disease Endpoints."

Defendants propose that the experts in this case, who in their expert reports covered issues discussed in these new studies, be allowed to supplement their reports with the new data from these studies. Defendants also propose that any of the experts who choose to supplement their reports should submit to a supplemental deposition limited to their supplemental opinion based on the new data contained in the studies at issue.

Plaintiffs agree that the parties' experts should be allowed to provide supplemental reports. However, Plaintiff oppose any supplemental depositions.

I find that, in the interest of creating a complete record in this complex litigation, the parties should be allowed to supplement their expert reports based on these recently released studies. I also find that supplemental expert depositions limited to the new information will allow the parties to fully prepare this case.

Accordingly,

IT IS HEREBY ORDERED that Defendants' motion for supplemental expert discovery [#1428] is **GRANTED**. Counsel shall submit supplemental expert reports simultaneously no later than **February 28, 2013**. The supplementation of the reports shall be limited to the new data not available to the experts when they created their original reports.

IT IS FURTHER ORDERED that the supplemental depositions of those experts who provided supplemental reports shall be completed by **April 1, 2013**. Plaintiffs' experts shall be deposed first.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 24th day of January, 2013.